

House Concurrent Resolution No. 23

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES FITZPATRICK (Sponsor), CURTMAN, BRATTIN, JUSTUS,
BAHR, SPENCER, SOMMER, WILSON, FRAKER, HICKS AND REMOLE (Co-sponsors).

1565H.011

1 **WHEREAS**, the Missouri General Assembly, acting with the best of intentions, applied
2 to the Congress of the United States by resolution in accordance with Article V, Constitution of
3 the United States, for a constitutional convention for the purpose of amending the Constitution
4 of the United States and

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6 **WHEREAS**, Senate Concurrent Resolution No. 3, was passed by the Eighty-second
7 General Assembly of the State of Missouri in 1983 specifically proposing a constitutional
8 convention for the sole purpose of adopting an amendment requiring a balanced federal budget;
9 and

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11 **WHEREAS**, over the course of time, the will of the people of the State of Missouri has
12 changed with regards to Missouri's previous call for a constitutional convention to amend the
13 Constitution of the United States; and

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15 **WHEREAS**, certain persons or states have called for a constitutional convention on
16 issues that may be directly in opposition to the will of the people of this state; and

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18 **WHEREAS**, the people of this state do not want their previous applications for a
19 constitutional convention to be aggregated with those calls for a convention from other states;
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22 **WHEREAS**, former Justice of the United States Supreme Court Warren E. Burger,
23 former Associate Justice of the United States Supreme Court Arthur J. Goldberg and many other
24 leading constitutional scholars are in general agreement that a convention, notwithstanding
25 whatever limitation might be placed on it by the call for a convention, may propose sweeping
26 constitutional changes or, by virtue of the authority of a constitutional convention, redraft the
27 Constitution of the United States creating an imminent peril to the well established rights of
28 citizens and to the duties of various levels of government; and

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30 **WHEREAS**, the Constitution of the United States has been amended many times in the
31 history of this nation and may be amended many more times without the need to resort to a
32 constitutional convention, and has been interpreted for more than two hundred years and found
33 to be a sound document that protects the lives and liberties of citizens; and

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35 **WHEREAS**, there is no need for, and in fact there is great danger in, a new constitution
36 or in opening the Constitution of the United States to radical changes, the adoption of which
37 could create legal chaos in this nation and begin the process of another two centuries of litigation
38 over its meaning and interpretation; and

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40 **WHEREAS**, changes or amendments that may be needed in the present Constitution of
41 the United States may be proposed and enacted without resorting to a constitutional convention
42 by using the process provided in the Constitution and previously used throughout the history of
43 this nation:

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45 **NOW, THEREFORE, BE IT RESOLVED** that the members of the House of
46 Representatives of the Ninety-seventh General Assembly, First Regular Session, the Senate
47 concurring therein, that the Missouri General Assembly hereby repeals, rescinds, cancels, renders
48 null and void, and supersedes any and all existing applications to the Congress of the United
49 States for a constitutional convention under Article V of the Constitution of the United States
50 for any purpose, whether limited or general; and

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52 **BE IT FURTHER RESOLVED** that the Missouri General Assembly urges the
53 legislature of each and every state that has applied to Congress for either a general or limited
54 constitutional convention to repeal and rescind their applications; and

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56 **BE IT FURTHER RESOLVED** that the Chief Clerk of the Missouri House of
57 Representatives be instructed to prepare a properly inscribed copy of this resolution for the
58 President of the United States Senate, the Speaker of the United States House of Representatives,
59 the Administrator of General Services in Washington, D.C., each member of Missouri's
60 Congressional delegation, and the Secretaries of State and presiding officers of both houses of
61 the legislatures of each state in the Union.

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